

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

03-12397-4 P 1:05

PETER A. GROOME,

Petitioner,

v.

TIMOTHY HALL,

Respondent.

Civil Action No. 03-12397-PBS

**RESPONDENT'S MOTION TO STAY BRIEFING OF MERITS
UNTIL RESOLUTION OF PENDING MOTION TO DISMISS THE
PETITION FOR WRIT OF HABEAS CORPUS AS TIME-BARRED**

The respondent, Timothy Hall, respectfully submits this motion to stay the schedule for briefing the merits of the above-captioned action until this Court has ruled upon the pending motion to dismiss¹ the petition for writ of habeas corpus as time-barred under 28 U.S.C. § 2244(d), the statute of limitations for federal habeas corpus petitions. Granting this motion to stay will serve the interests of efficiency and judicial economy, because if the motion to dismiss on statute of limitations grounds were to be successful there would be no need to review the merits of the claim.

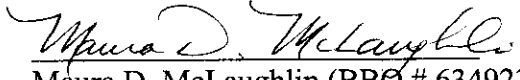
In the alternative, should this Court deny the motion to stay the briefing of the merits in this case, the respondent requests that this Court permit the filing of the respondent's brief on the merits thirty (30) days after the date of the Court's order on this motion, so that the respondent may have a period of thirty (30) days to respond to the arguments raised in the petitioner's brief.

¹ The respondent's motion to dismiss was docketed on December 29, 2003.

WHEREFORE, the respondent respectfully requests that this Court grant the respondent's motion to stay briefing the merits in the above-captioned action until this Court has ruled upon the respondent's motion to dismiss this habeas petition as time-barred, or, in the alternative, to set the date for the respondent to file a response thirty (30) days after the Court's order on this motion.

Respectfully submitted,

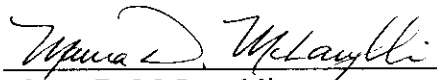
THOMAS F. REILLY
ATTORNEY GENERAL


Maura D. McLaughlin (BB# 634923)
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200, ex. 2857

Dated: March 4, 2004

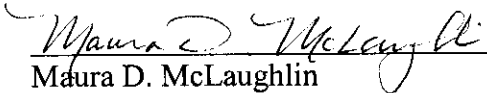
Certification Pursuant to Local Rule 7.1

I hereby certify that I have conferred (via exchanged telephone messages) in good faith with Elizabeth L. Bostwick, Esq., counsel for the petitioner, in an effort to resolve or narrow the issues raised in this motion.


Maura D. McLaughlin

Certificate of Service

I hereby certify that on March 4, 2004, I caused a copy of the above document to be served via first class mail, postage prepaid, upon Elizabeth L. Bostwick, Esq., counsel for the petitioner, Berman & Dowell, 210 Commercial Street, Boston, Massachusetts 02109.


Maura D. McLaughlin



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1598

THOMAS F. REILLY
ATTORNEY GENERAL

(617) 727-2200
www.ago.state.ma.us

March 4, 2004

Via Hand Delivery

Clerk of Courts
United States District Court,
District of Massachusetts
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, Massachusetts 02210

Re: Peter A. Groome v. Timothy Hall
Civil Action No. 03-12397-PBS

Dear Sir or Madam:

Enclosed for filing please find Respondent's Motion to Stay Briefing of Merits Until Resolution of Pending Motion to Dismiss the Petition for Writ of Habeas Corpus as Time-Barred.

Please do not hesitate to contact me if you have any questions regarding the enclosed. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Maura D. McLaughlin".

Maura D. McLaughlin

cc:

Elizabeth L. Bostwick, Esq.

(via first class mail)

